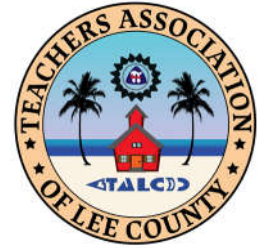


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MEMORANDUM

Tuesday, January 12, 2021

TO: All TALC Members

KE

FROM: Dr. Kerr Fazzone, Director and Chief Negotiator, Teachers Association of Lee County

SUBJECT: Summary of Proposed Changes to the Collective Bargaining Agreement

Dear TALC Members,

Please find below a detailed summary of proposed changes found in the Tentative Agreement on which you will vote to ratify on Wednesday, January 20 and Thursday, January 21, 2021.

PLEASE NOTE: This list is intended as a summary of the main proposed changes in this year's contract. All proposed changes are reflected in the Tentative Agreement (TA) that is posted at your worksite, on the [School District's website](#)¹, and on the [TALC website](#)². If you have any questions regarding the Tentative Agreement, please speak directly to your TALC

Representative, Area Coordinator, or call the TALC office.

¹

https://www.leeschools.net/our_district/departments/human_resources/compensation_labor_relations/negotiations_materials

² <https://www.islandcoastfea.org/talc>

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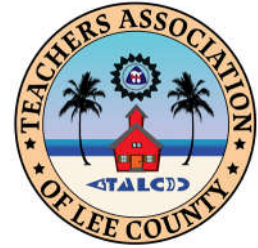


History of 2020-2021 Negotiations

The TALC Bargaining team met on February 20, 2020 to discuss the results of the bargaining survey sent to all TALC members in December 2019 and strategize about the upcoming bargaining sessions. For the first year in quite a long time, we planned (and it seemed probable) to conclude bargaining *before* the end of the school year so that raises would take effect the first day back to school after summer break. The TALC and District bargaining teams met on Monday, March 9, 2020 to commence negotiations only to have the remaining sessions cancelled due to the COVID-19 pandemic. Unfortunately, these negotiations had to take a backseat in order to bargain a Memorandum of Understanding (MOU) related to changes in working conditions due to the coronavirus.

The bargaining teams came back to the table on Monday, September 14, 2020, and after a total of nine bargaining sessions, reached a Tentative Agreement (TA) on Wednesday, December 9, 2020.

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Summary of Proposed Changes to the Collective Bargaining Agreement

Hereafter, the Collective Bargaining Agreement (often referred to as the “TALC Contract”) will be referred to as the CBA. A “member of the bargaining unit” refers to all employees covered by the TALC CBA, regardless of membership in TALC. Finally, the “Tentative Agreement” refers to the proposed changes to the CBA – no changes are put into effect unless ratified by both the TALC bargaining unit and the School Board.

Housekeeping Changes throughout CBA

- Changed “when” to “if,” “teacher” to “employee,” and “Board” to “District”
- Moved to gender neutral pronouns throughout the CBA

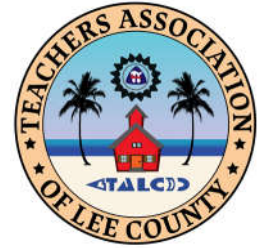
Article 5 – General Employment Practices

- 5.05(1): Memorialized existing past practice of reviewing job descriptions with TALC
- 5.05(7): New language relating to subcontractors. This will ensure that District employees will receive priority over subcontractors for work locations and assignment of duties.

Article 6 – Working Conditions

- 6.02(1): Added new language regarding injuries in the workplace

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- 6.02(8): Added new language regarding protections for employees who are victims of domestic or sexual violence
- 6.04(3): Clarified language related to Alcohol, Tobacco, and Drug-Free workplace policies, including mandatory random drug testing for safety sensitive positions (e.g. positions that require a Commercial Driver's License (CDL))
- 6.04(3): Added language regarding Last Chance Agreements

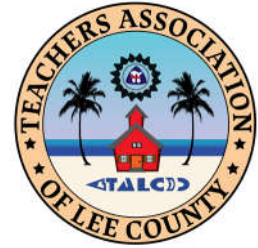
Article 7 – Work Schedule

- 7.01(1)(d): Rewrote PLC language to align with PLC guidelines
- 7.05: Listed paid holidays for all full-time bargaining unit employees

Article 9 – Disciplinary Procedures

- A rewrite to the article was proposed by the TALC Labor/Management Committee as discussed in the 2019-2020 bargaining sessions
- 9.01(1), 9.01(2): Clarified language related to site-based and district-based investigations
- 9.01(4): Clarified language regarding an employee's right to representation
- 9.01(5): Memorialized TALC's right to attend all District-based pre-determination hearings

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- 9.01(8): Added language related to use of technology for investigations ensuring that investigation outcomes are based on the totality of the circumstances and not solely upon the use of technology
- 9.02: Added language clarifying possible outcomes of site-based and District-based investigations

Article 10 – Compensation

On June 24, 2020, Florida Governor Ron DeSantis House Bill 641³ (HB 641) into law, the “Teacher Salary Allocation” (TSA). This \$500 million teacher salary allocation is for the 2020-2021 school year and is intended to increase the minimum base salary for classroom teachers as defined by Florida Statute 1012.01 “plus certified prekindergarten teachers⁴”.

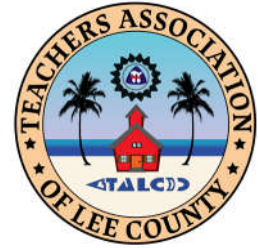
Based on the money allocated from the state, TALC and the District were tasked with creating a new minimum base salary while using all the money available. It is important to note that the term “minimum base salary” does **not** mean \$47,500, as the state did not give enough funds make it happen. TALC’s goal was to get as close as possible while using all available funds.

More difficult still, the Legislature prescribed in detail how the funds allocated to each District were to be spent. As noted in the General Appropriations Act, the District allocation is split into two pots: (1) 80 percent of the allocation had to be used for increasing the base

³ Full text of HB 641: <https://feaweb.org/wp-content/uploads/2020/03/641-just-salary.pdf>

⁴ Addition of PreK teachers is from line 191 of HB 641

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salary, (2) the remaining 20 percent for those already above the base salary. Furthermore, the 20 percent pot is also able to be used for employees who did not get 2% salary increase from dollars from the 80 percent pot.

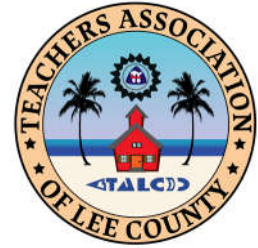
With the constraints in mind, our team had a few goals:

1. Increase the minimum base salary as much as possible while still providing some semblance of a placement schedule (trying to avoid salary compression)
2. Provide meaningful salary increases for those not affected by the move to a new minimum base salary
3. Respect the service and loyalty of “veteran” employees of the District (e.g. 10+ years of District service)
4. Minimize disparate impact of the TSA law across the District
 - a. The way the law is designed, some employees would receive a 2% base salary increase while others could see an increase of 20% or more

On November 30, 2020, the TALC and District bargaining teams reached consensus on compensation which included the following order of operations:

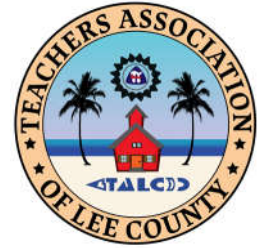
1. Career Ladder Movement
 - 10.02(2)(c): Memorialized past practice of \$1000 for Career Ladder Movement
2. 2% increase across the board

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- 10.06(2): No one in the TALC bargaining unit will receive a base salary increase of ***less than 2%***
- 3. Minimum base salary increased to \$47,300
 - 10.01(1) and 10.06(2): After the above increases, all full-time classroom teachers (as defined in the Teacher Salary Allocation bill) under the new base salary amount will be increased to \$47,300
 - Any increase to base salary will be recalculated as of July 1, 2020 and paid out during implementation
- 4. Special Instructional base salary increased to \$50,500; changes to special instructional experience credit
 - 10.01(1), 10.01(3), and 10.06(3): Positions include School Counselor, School Nurse, School Social Worker, School Psychologist, Athletic Trainer, Licensed Mental Health Practitioner, Board Certified Behavior Analyst, Speech-Language Pathologist, Occupational Therapist, and Physical Therapist
 - Any increase to base salary will be recalculated as of July 1, 2020 and paid out during implementation
- 5. Increased Licensed Mental Health Counselor and School Counselor supplements
 - Supplement amount of \$1842.75 to align with Social Worker supplement
 - Any increase to supplements will be recalculated as of July 1, 2020 and paid out during implementation

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6. ***NEW*** Longevity supplement

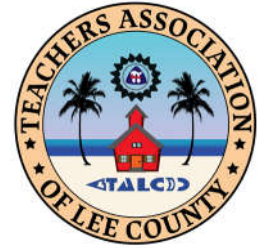
- 10.06(5): This is a new salary supplement that counts toward FRS and is based off **creditable years with the District** (YRS L), irrespective of bargaining unit (SPALC, TALC, Admin), paid over 24 pay periods. YRS L is now available to be seen in PeopleSoft on the employee compensation page.
- Based off past practice, the longevity supplement will be prorated by FTE (full-time equals 1.0 FTE)

Years of Experiences with District (YRS L) Non-Consecutive					
YRS L	10-14 Years	15-19 Years	20-24 Years	25-29 Years	30+ Years
Supplement Amount	\$250	\$500	\$1,000	\$1,500	\$2,000

7. Targeted market adjustment

- 10.06(4): Based on the number of **creditable years of service** (not the same as District years) and to align with past practice, the targeted market adjustment will be prorated by FTE (full-time equals 1.0 FTE)
- This base salary increase is an attempt to restore some equity in TALC bargaining unit salaries as, over the years, disparate salary increases have adversely affected employees with particular creditable years of experience

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Targeted Market Adjustment		
# Creditable Years	10, 15, 16, 17	11, 12, 13
Salary Increase	\$350	\$600

- 10.01(4): Language regarding military experience was rewritten to be more concise
- 10.02(3)(1): Franklin Park Elementary, Orange River Elementary, and Sunshine Elementary were added to the list of Turnaround Schools. Each employee assigned to a Turnaround School full-time will receive a \$4,000 Turnaround School Supplement.
- 10.03 (1) and 10.03(2): Enumerated several District and State incentive and bonus programs

Article 11 – Benefits

- 11.02: The teams reached consensus on a \$7.8 million increase to employee health insurance which included a \$744.00 increase to the Board contribution, bringing the total Board contribution to health insurance to \$8,104.80 per enrolled employee.
 - To add more money into the health insurance fund, we negotiated an increase to the monthly premium by \$62/mth as well, which coupled with the aforementioned increase to the board contribution, means there is ***no net***

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increase to the employee. The plan designs are also remaining the same when open enrollment begins for the next plan year beginning April 1, 2021.

Article 12 – Leave

- The TALC Labor/Management Committee committed to bringing a recommended rewrite of Article 12 during the 2020-2021 TALC Bargaining Committee meetings to aid in readability and understanding.
 - This rewrite was originally planned to this school year but was tabled until next year.

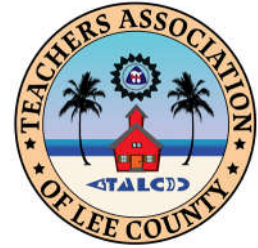
Article 14 – Duration and Acceptance

- 14.03: The duration of the contract is for three years with two reopeners: the 2021-2022 school year and 2022-2023 school year.

Ratification

Because of the COVID-19 pandemic, TALC petitioned the Public Employee Relations Commission (PERC) for the ability to conduct the ratification electronically, as we did with the COVID MOU. We were granted that waiver and will hold ratification via electronic ballot on Wednesday, January 20 and Thursday, January 21, 2021. The School Board is scheduled to hold their ratification vote during the regularly scheduled Board meeting on Tuesday, January 26,

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2021. The proposed changes to the CBA will be ratified by the bargaining unit if a simple majority of votes cast (50% + 1 votes cast) are to approve the changes. If the majority of bargaining unit members vote to reject the changes, Florida law requires that the TALC and District bargaining teams return to the bargaining table and begin negotiations from scratch.

Please note that a “No Vote” does not send the TA to the School Board for a vote – the school board may only impose a contract if one side declares impasse. Once both parties ratify the agreement, the implementation of the new base pay and salary increases are tentatively scheduled for March 15, 2021.

As always, TALC President Kevin Daly and I are happy to answer any questions that may arise. The TALC Bargaining Team strongly encourages a “Yes Vote” and hopes everyone exercises their right to vote next week!

In Solidarity,

Kerr Fazzone, Ph.D.

Director, Chief Negotiator

Teachers Association of Lee County

